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CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

1 OCT 1975

Mr. James M. Frey
Assistant Director for Legislative Reference
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Frey:

Enclosed is a proposed report to Chairman Ribicoff, Senate Committee on Government Operations, in response to a request for our recommendations on S. 2170, a bill "To establish a procedure assuring Congress the full and prompt production of information requested from Federal officers and employees."

Advice is requested as to whether there is any objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

SIGNED

George L. Cary
Legislative Counsel

Enclosure

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CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

Honorable Abraham Ribicoff, Chairman
Committee on Government Operations
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This is in response to your request for our views on S. 2170, the "Congressional Right to Information Act," amending Title III of the Legislative Reorganization Act of 1970.

Proposed Section 341(a) would require every Federal agency to fully and currently inform each committee and subcommittee of Congress on all matters relating to that agency which are within the jurisdiction of the committee or subcommittee. Section 341(b) would require every Federal agency to submit, upon request of a committee or subcommittee or at least two-fifths of the members thereof, any information relating to any matter within the jurisdiction of the committee or subcommittee.

The Central Intelligence Agency provides both substantive intelligence and operational information to the Congress.

When requested by individual members or committees, the Agency provides substantive briefings on foreign developments on matters within their jurisdiction. Thus far in 1975, for example, we have briefed committees or members on over 65 separate occasions, thus meeting every request. Congress has an important role in the formulation of our nation's foreign policy, and I believe CIA should help provide the foreign intelligence which will enable the Congress to effectively fulfill its responsibilities.

Pursuant to long-established procedures of the Congress, reports on Agency operations are provided only to our four regular oversight committees. The only exception is information on non-intelligence gathering activities in foreign countries, which, pursuant to Section 32 of the Foreign Assistance Act of 1974 (P.L. 93-559), are reported to a total of six committees. We keep our regular oversight committees (the Armed Services and Appropriations Committees of both Houses) fully and currently informed regarding all



of our programs and activities, and respond to their requests for information. I believe this practice enables these committees to fulfill their responsibilities of exercising legislative oversight and appropriating funds. Therefore, we would not object to a statutory directive to keep these committees fully and currently informed and to respond to their requests for information; such a requirement would merely comport with present practice.

Section 341 of S. 2170 is not so narrowly phrased, however. Its language lends itself to jurisdictional claims from diverse committees. In the case of an Agency like CIA with broad areas of expertise and diversified activities, the language of Section 341 could be cited by a large number of committees to require CIA to keep them fully and currently informed on some aspect of our activities. S. 2170, therefore, could result in expanding reporting requirements to such an extent and fragmenting jurisdiction among so many committees that the oversight process itself would be weakened. Furthermore, as a by-product of the arrangements proposed in the bill, much sensitive information would be widely disseminated throughout Congress. As a result, the essential secrecy of much of this information would be jeopardized. Recent experience with the Congress shows clearly that the wider and more uncontrolled the access to sensitive information, the greater the risk of inadvertent or purposeful disclosure.

In view of the mutual advantage to be gained from effective oversight processes, this Agency opposes proposals which would proliferate and fragment oversight responsibilities. Consistent with the responsibility imposed upon me by the National Security Act of 1947, I would urge Congress, in effecting any change in oversight, to take steps to protect intelligence sources and methods from unauthorized disclosure. Limiting oversight to the minimum number of committees necessary for effective oversight would contribute substantially to the protection of these assets.

Section 345 provides that congressional bodies which have received information under the foregoing provisions of S. 2170 would take "appropriate measures" to insure the confidentiality of information which "in the judgment of the Federal agency providing it and the House of Congress or committee or subcommittee of the Congress receiving it" requires protection. This Agency's overriding concern with respect to providing information to the Congress is insuring the confidentiality of information which warrants protection. Until recently this Agency has been able to work together with

congressional recipients of sensitive intelligence information who have wished to make some of this information public. Through a process of consultation, we have been able to reach informal agreements permitting the maximum disclosure consistent with the safeguarding of essential secrets. The language of section 345 is not clear on whether and just how Executive branch responsibilities are to be accommodated in this regard. Therefore, this Agency would oppose enactment of this section.

The Office of Management and Budget has advised there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

W. E. Colby
Director